

JAMES SPANN,)
)
Plaintiff,)
)
vs.) Case No. 4:05CV1470 CDP
)
CORRECTIONAL MEDICAL)
SERVICES, et al.,)
)
Defendants.)

This matter is before me on defendants' second motion to dismiss plaintiff's complaint for failure to comply with the case management order, Local Rule 2.06(B), and for failure to prosecute. In support of their motion, defendants claim that plaintiff failed to make his initial disclosures, respond to discovery requests, and appear for his deposition as required by this Court's case management order and the Federal Rules of Civil Procedure,. Additionally, defendants contend that plaintiff has once again failed to notify this Court and opposing counsel of his current mailing address in contravention of Local Rule 2.06(B) because mail sent to plaintiff at his current address of record has been returned as undeliverable. Defendants previously moved to dismiss this case on the same basis, but I denied the motion because I had a current address for plaintiff. However, in my Order

denying defendants' motion to dismiss [#64], I reminded plaintiff of his obligation to comply with all Local and Federal Rules of Civil Procedure, as well as all Orders of this Court, in the prosecution of this action. I also warned him that "[f]ailure to do so may result in the imposition of sanctions, including the dismissal of the complaint with prejudice."

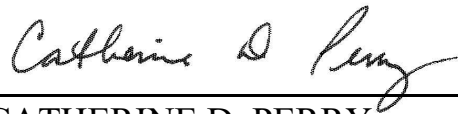
Despite being granted a second chance, plaintiff has failed to take any of the required steps necessary to prosecute this action. He has not complied with any of the deadlines set out in the case management order, has refused to participate in discovery, and did not appear for deposition. In addition, he has once again failed to provide a current mailing address to the Court or opposing counsel. Under these circumstances, I will grant defendants' motion for an extension of time to move for summary judgment and will order plaintiff to show cause why his complaint should not be dismissed with prejudice for failure to prosecute and comply with the case management order and Federal Rules of Civil Procedure.

Accordingly,

IT IS HEREBY ORDERED that defendants' motion for an extension of time [#69] is granted.

IT IS FURTHER ORDERED that plaintiff shall show cause in writing

by October 12, 2007 why his complaint should not be dismissed with prejudice for failure to prosecute and comply with the case management order and Federal Rules of Civil Procedure. No extensions of time will be granted, and plaintiff's failure to file a timely response will result in the dismissal of the complaint with prejudice without further warning by the Court.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 1st day of October, 2007.